



IMMIGRANT INTEGRATION: THE IMPACT OF FEDERALISM ON PUBLIC POLICY

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Federalizing Immigrant Integration Policies in Spain



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Structure

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0. Introduction: the Spanish dynamic scenario

- New phenomenon – new competency - democratic transition
- Institutional process – federalization process
- Induction and pragmatism: Central Government manages admission, flows and naturalisation, and leaves to AACC and local governments responsibility of the management of integration process, since most of the integration policies (reception, housing, education, work), are competencies that are either exclusive or shared.
- Multinational State: efficiency (as mono-national federalism) and identity
- **Argument:** From who does what?... To the How (cooperation and coordination).....there is a need to go step forward in this federalisation process, and then to take a further step to address *federal governance* in this policy field. This latter step requires more innovation since the structure for collaboration has to be built ex-novo.

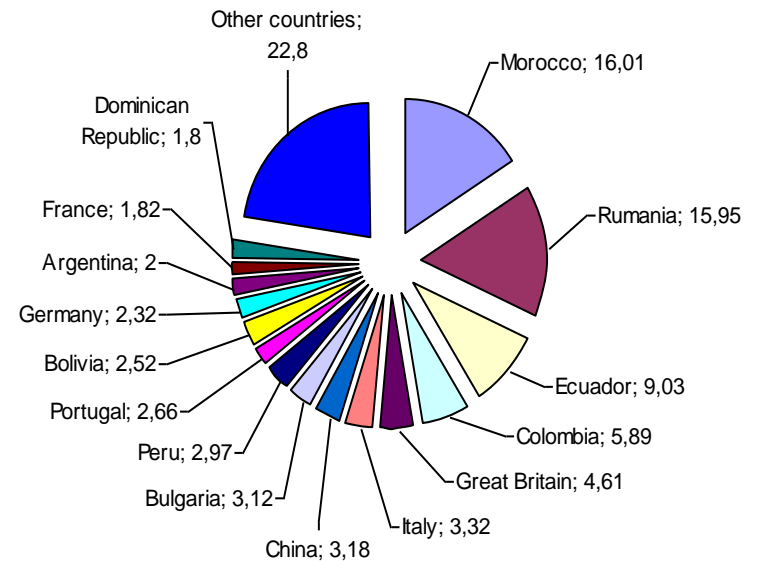
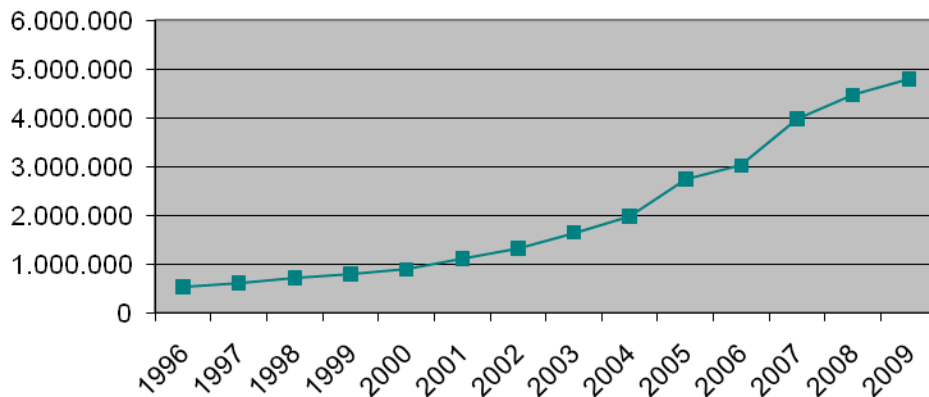
1. Mapping the Spanish federal structure

- Not recognised federal State, but work as it was in terms of distribution of policies (self-government and shared rule) than in terms of structural design and institutional arrangements
- Spain categorised as “multilingual with a wide territorial dominant *language* (Castillian) and national identity, and with several nationalities territorially delimited (“historical nationalities”), differentiated by language, whose territorial units are bilingual.
- **Current Tension: 2 forces** that stir federalization process. A centripetal force trying to establish common framework integration, and centrifugal force (Catalonia) that tries to self-rule integration as identity process.
- **Catalonia example:** Self-government is necessary condition to maintain and protect language, with the arrival of immigrants, the relationship is inverted: Language is the condition to maintain self-government

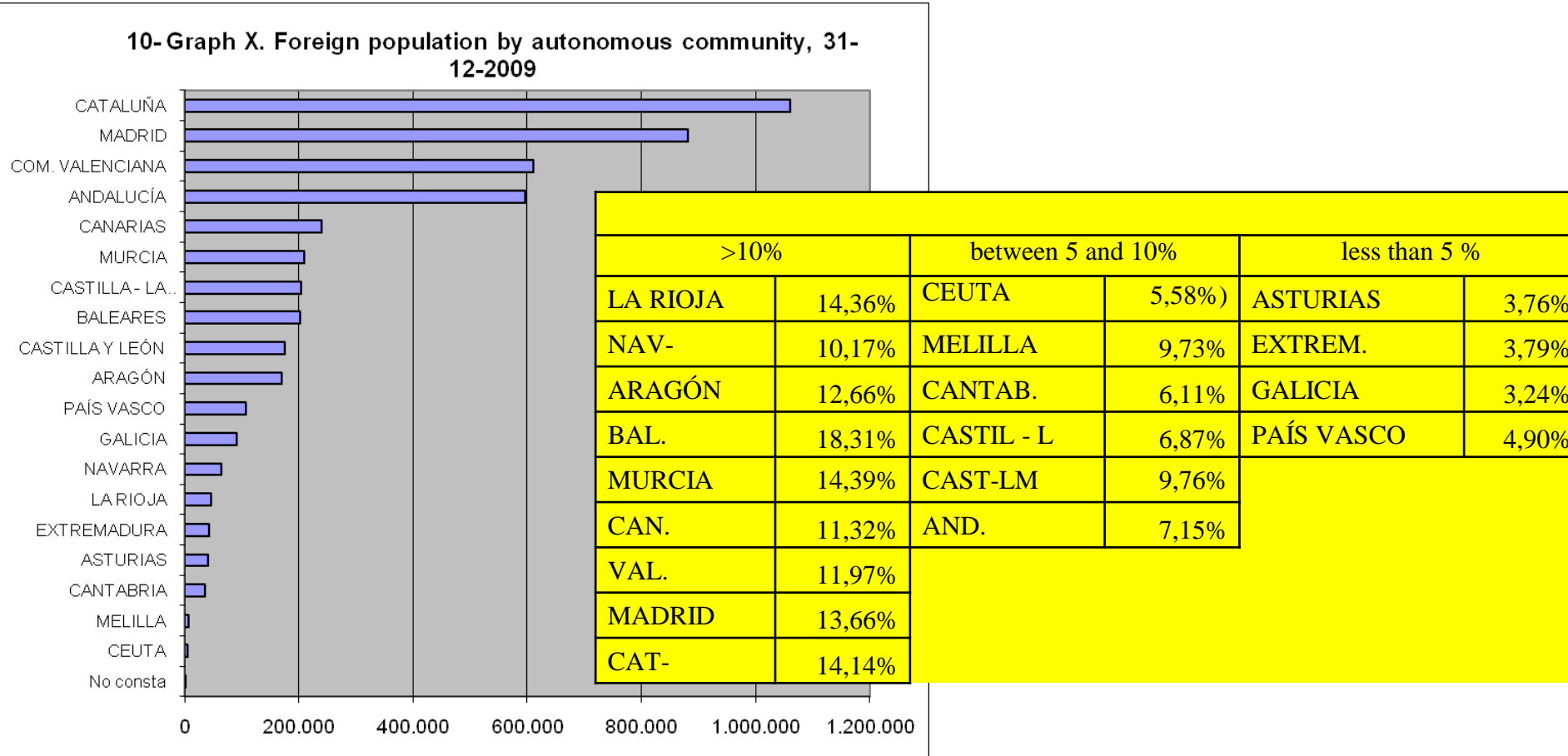
Immigration patterns

- Unprecedented rise after 2000 related with economical and welfare benefits, with a worsening imbalance between labor supply and demand
- Graph 1 illustrates the growth of Spain's foreign population. In 2000 there were almost 900,000 foreign residents (2.18 per cent of the total population), 1.3 million (3.10 per cent) in 2002, 1.9 million (4.48 per cent) in 2004, 3 million (6.7 per cent) in 2006, 3.9 million (8.6 per cent) in 2007 and 4.8 million in 2009 (10.2 %).

Graph X. Development of foreign population in Spain 1996-2009



- **Employment:** services (58.1 per cent); construction (24.6 per cent), industry (11.1 per cent), agriculture (6.2 per cent). Increased from Latin America has meant domestic women from Ecuador, Bolivia and Peru.



2. Impact federal structure on def. immigrant integration

2.1. Policy instruments / current institutional federal structure of participation

- Strategic Plan on Citizenship and Integration (2007-2010): aims to define general policy framework for immigrant integration for all the AACC.
- Driving force: **cooperative federalism. Cooperation through action plans**
- **Two arguments:**
 - 1) the framework has developed a link with different AACC through economic means, rather than political and policy means, (next slide)
 - 2) gap between wish and reality, between policy aims and outcomes. In practice, this Strategic Plan is not a reference point for all AACC programs, since very few have taken it into account, not even as inspiration

- General distribution: 50% education / 40 % reception and integration / 10% others

2005	2006	2007	2008	2009	2010
120	182.4	188	192.5	196.9	141

Integration programmes of AACC

- There is no centralized information: 12/17 have a plan/programme.
- Tendency: *institutional solipsism*. very different (asymmetry), follow they own view without vertical/horizontal concern.
- Main federal concern: How this asymmetry can affects the free movement of immigrant within the federal territory

2.2. Structure of institutional participation

- 2 main institutional bodies with the presence of AACC, in both cases this presence is not exclusive, neither compulsory: it is consultative. In practice they have been rather body information exchange and debate, than a real determining body for policy design and political orientations
- ***Forum for the social integration of immigrants:*** organ of consultation, information and advice, which involve the three Administrations (Central, Autonomous and local), Social Organizations, Associations of Immigrants and Refugees, Observer Experts and special Guests.
- ***Sectoral Conference on Immigration (2007).*** strengthening inter-governmental cooperation. It is composed by the Government and AACC, and has some observers from local governments. It is a body to meet and discuss which aims at achieving maximum consistency in implementation of public policies pursued by the State and AAC in the field of immigration.

3. Measures for immigrant integration

Admission (linked to sovereignty. Not multinational/federal culture)

- The State holds exclusive competence on admission and it is regulated by organic law and executed by the Ministry of Home Affairs. *There is no clear admission system such as Point System or procedures related to any kind of tests (related to measure language skills, culture knowledge or/and civic commitment and behavior, etc.)*
- In this sense, the Spanish Immigration policy is labor oriented and focused on “contingents” - annual labour entry quota” (*contingente*) by means of the mechanisms established by a bilateral commission System of labour quota aimed to channel immigration flows towards sectors of the Spanish economy with a shortage of labour force.
- Admissions are related to Work, Family Reunification and Asylum.

TOTAL	Fam. Reun.	Res,	Work	Study
288,151	103,422	4,255	130,928	49,546
100%	35.9%	1.5%	45.4%	17.2%

3. Measures for immigrant integration

SOCIO-ECONOMIC: PEGI 2007-2010

A) *Language training: reception policies- AACCC*

- Linguistic Reception policies, which are coordinated at AACCC level. in the case of Catalonia, language training is granted in two ways according to the Catalan program for Citizenship and Immigration (2005-2008).
- *Consorci per la Normalització Lingüística* (Generalitat of Catalonia).
- In December 2009 the new *Bill to provide for the reception of immigrant persons and returnees to Catalonia* (The Reception Bill, 02/06/2009) was approved, and it maintains this policy, making Catalan compulsory for integration.

B) *Education system: three systems* (Catalonia/Basque country/others)

- AACCC have regulatory powers to expand on the basic standards set by the State, and to regulate non-basic elements or features of the education system, as well as having management powers over the system in their own territory.
- In the case of Catalonia, the department of education is responsible for this competency. Catalan language immersion is one of the main policies of the *Generalitat*. It has designed the so-called “*Aula d’Acol·lida*” (reception class) in which those not speaking Catalan have to assist during some hours per day until they learn Catalan

3. Measures for immigrant integration

ACCESS EMPLOYMENT

- The State's competencies on labor are shared with the AACC, which execute the legal framework entirely designed by the State. Furthermore, the State specifies a list with the job positions that are difficult to cover (*trabajo de difícil cobertura*) and enforces the hiring of foreign workers in those positions by facilitating the processes.
- Concerning the concrete immigrant integration in the labor market field, each AACC develops its own policies.

CIVIC/CULTURAL

Integration contracts/courses

Contrary to other European countries, Spain has not followed the dynamics of incorporating integration contracts or whatever other compulsory dimension in its integration policy. This neither applies for the AACCC level. For instance, one of the distinguishing features of the current Catalonia reception Bill is precisely its non-compulsory character.

Political involvement

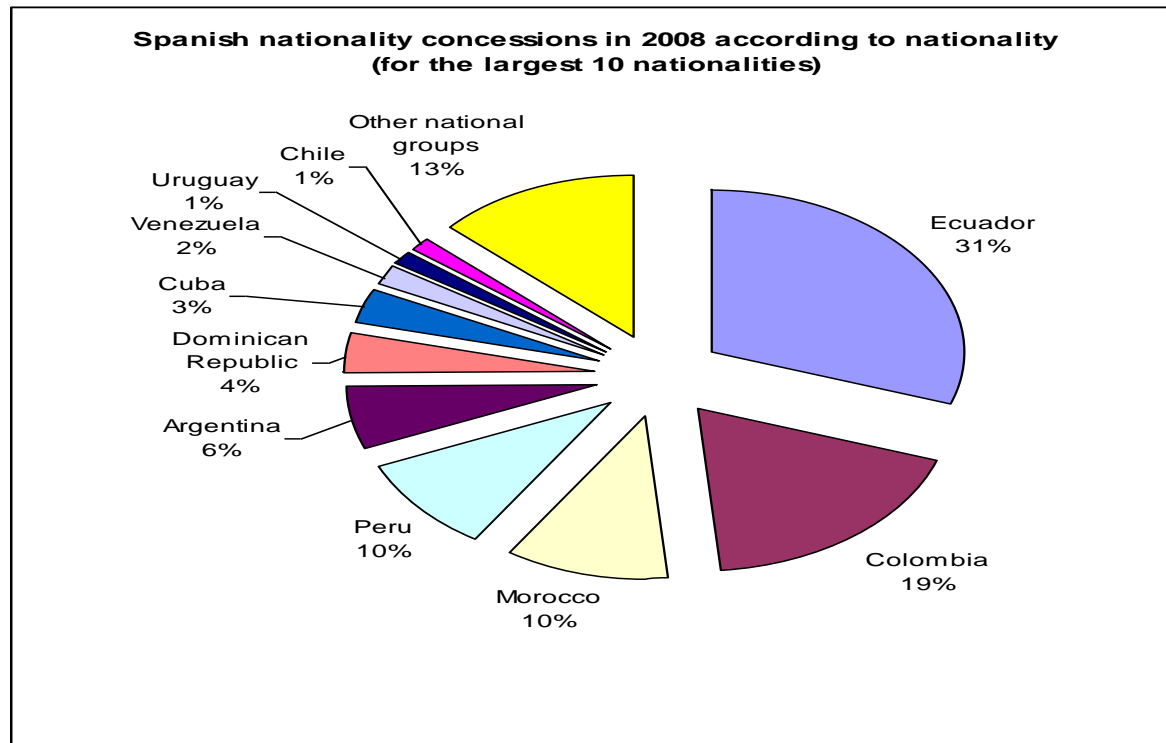
In Spain immigrants have the right of association, and in this way there is a widespread immigrant association network. There are also consultative bodies at different territorial levels..

Interculturalism

Although Interculturality is one of the key principles of the State Strategic Plan, again this field belongs to the AACCC level. And usually is included in the **education area**. All programs related to education, teaching and training include the intercultural perspective. However, there is not such a policy of Interculturality at the autonomous level.

Naturalization

As with admission, naturalization is an **exclusive jurisdiction** of the State and is administered by the Ministry of Justice. As a general rule, citizenship can be obtained after residence of at least 10 years in Spain. This period is reduced to five in the case for those with refugee status and two years for applicants from Latin American countries, Andorra, Philippines, Equatorial Guinea, Portugal and the Sephardim. Citizenship can also be obtained through other means, such as marriage to a Spanish citizen, Spanish ascendance or birth in a Spanish territory



5. The Catalan “own way” of integration and the judicial decision on the Catalan Statute of Autonomy on immigration matters

- This period is interesting from a federal point of view, since there are few but determining political and legal movements, which illustrate difficulties there are in Spain *to go beyond the current central government hegemony to a more cooperative and asymmetrical federalism*, given the decentralized structure and identity differentiated character of some AACC. **Catalonia in this matter is taking the initiative and pressing for additional responsibilities in the immigration field.**
- Catalanian actions towards more self-government, with the new **Statute of Autonomy** approved in 2006, including a specific article on immigration exclusive competences (art. 138), and with a Central Court sentence in 2010. Then follows the development of the **Reception Bill**, and the social and political agreement of a **National Immigration Pact**, where ‘national’ means Catalan,.

The new foreigners law (December 2009)

- The new immigration legislation adopted by the Spanish Parliament in December 2009 provides significant new roles for the *autonomias* in a number of areas, including: granting initial work and residence permits, offering training courses immigrants must take if they wish to renew their permits and developing arrangements to certify immigrants' level of integration.
- This can be interpreted as the initial stage of a process that could enlarge the responsibility of the *autonomias* in a policy field that was not discussed during the democratic transition.

7. Concluding remarks

2 main problems current phase

- **First:** It is not only the definition of the competence, which is following the current division of competencies for all areas related to integration (housing, education, works, social services, etc), but the two new competencies: **control of flows and naturalisation, and reception, which are really working separately**, without connection among administrations.
- **Second:** is not definition of competence, which is following a natural process of distribution of responsibilities according to current competencies involved in immigrant integration policies, **but** Collaboration (Coordination and Cooperation) need to be discussed and defined having as main premise that what an administration decides to do inevitably affects other administrations and territories
- To **conclude**, immigrant federalism in Spain can be considered a laboratory: the federalization of governments' responsibility in this policy field is taking place in the context of a multinational state. This conjuncture has implications for federal theory about how the relation between efficiency and identity criteria works in practice.

Spanish Key-questions to the international debate on federalism

Key-broad question

How to reconcile the country's unity (and the management of the general interest) with the exercise of the AACCs' self-government right and their differing realities and interests?

Specific questions

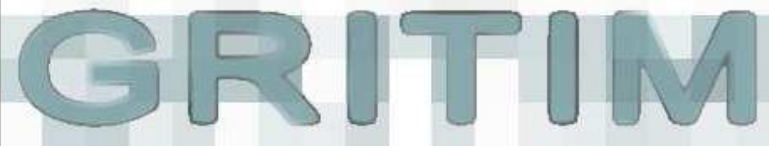
- In a given federal state, do we find a single immigration policy or immigration policies?
- If different approaches to immigration are accepted, how do we ensure consistency between federal and subnational policies?
- If we seek to combine a plural approach to immigration and a certain level of consistency between the subnational and central governments, is there a single way to do so, or can we think of different systems to achieve the same result?

Theoretical approaches

- Looking at three models of immigrant federalism, namely centralist, cooperative and devolutionary federalism (Spiro, 2001), Spain is certainly still in the process of defining its model.
- That said, cooperative federalism seems to be reflected in the current government's Strategic Plan.
- There is a gap between what the Federal state what to apply and the practice, which is asymmetric
- What Spiro does not envisage is the possibility of **asymmetrical federalism**, where each AACC can have a measure of autonomy to manage the impact of immigration in economic, cultural, social and even demographic terms; but the degree of autonomy will vary among the AACC.
- The tension between cooperative and asymmetrical federalism may well be a key focus of debate for the coming years. ...
- Are we heading towards asymmetrical or cooperative federalism in the multinational Spanish state in matters of immigration policy, or a combination of both?

Last idea with Spanish Case

- the Spanish case demonstrates that at least two steps in the federalization process need to be analytically distinguished.
- The **first concerns** the definition of the jurisdiction over immigration in policy and administrative terms (i.e. the logic of who does what). This process is already taking place. It is based on pragmatism respecting the current constitutional and legal framework and is leading to a considerable degree of decentralization with regard to immigrant integration policies and programs. This approach can be expected to continue in the years ahead.
- The **second step**, Although building a structure of collaboration must be a priority for the future, the dynamics are already beginning to change as a result of Catalunya's 2006 State of Autonomy and its judicial interpretation.
- *The diversity of legal frameworks that may emerge will need to strike a balance between, on the one hand, unity and autonomy, and, on the other, efficiency and identity criteria. Looking to the longer term, it is fair to say that Spain is at the beginning of a long march.*



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